

**STEVENAGE BOROUGH COUNCIL**  
**OVERVIEW AND SCRUTINY COMMITTEE**  
**MINUTES**

**Date: Monday 3 November 2014**

**Time: 6.00 p.m.**

**Place: Shimkent Room, Daneshill House, Danestrete, Stevenage**

Present: Councillors L Martin-Haugh (Chair), R Parker CC (Vice Chair)  
L Bell, P Bibby, R Broom, J Brown, M Cherney-Crew,  
M Gardner, J Hollywell, C Latif, S Mead and P Stuart.

Also Present: Councillor S Speller.

Start / End Time Start Time: 6.00 p.m.  
End Time: 7.45 p.m.

**1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

An apology for absence was received from Councillor L Harrington.

There were no declarations of interest.

**2. MINUTES – OVERVIEW AND SCRUTINY COMMITTEE – 1 OCTOBER 2014**

It was **RESOLVED** that the Minutes from the Overview and Scrutiny Committee meeting held on 1 October 2014 be agreed as a correct record and signed by the Chair.

**3. MINUTES – OVERVIEW AND SCRUTINY COMMITTEE – 9 OCTOBER 2014**

It was **RESOLVED** that the Minutes from the Overview and Scrutiny Committee meeting held on 9 October 2014 be agreed as a correct record and signed by the Chair.

**4. PART 1 DECISIONS OF THE EXECUTIVE**

The Committee had before it the agenda and reports from the meeting of the Executive held on 28 October together with the Notice of Decisions as published after the meeting.

This report had not been circulated to Members five clear days before the meeting nor had it been made available for public inspection. The Chair determined however that given the short period of time left before the end of the call-in period on 5 November 2014, it be considered on this occasion.

### **Minutes – Overview and Scrutiny Committees**

In response to a request the Head of Planning, Regeneration and Transport undertook to circulate the report on the Community Infrastructure Levy that had been considered by the Strategic Management Board.

### **Local Government Act 1972 Section 85**

The Committee was advised that although Members were not considered to be employees of the Council the provisions of the Act allowed for local discretion in determining whether or not absence would be allowable.

A Member expressed concern about the provisions of the Act being used to provide maternity leave, and was of the view that pregnancy was not an illness. The same Member expressed further concern that as a result of this decision the Council could receive requests for paternity leave also to be sanctioned under the provisions of the Act.

Other Members commented that as the Council was keen to equalise conditions for Members and employees a break for maternity leave should be allowed, especially as it was understood that the Member concerned would carry out case-work and attend meetings if possible.

It was also noted that the Council wished to encourage younger people to consider standing as councillors and that to do so a more 'family-oriented' regime should be promoted.

Councillor R Parker CC requested that his concerns about the use of the provisions of the Act to provide maternity leave and his comment that this could result in requests for paternity leave be recorded in the minutes.

### **Stevenage Borough Council – People Strategy and Workforce Planning Framework**

The Committee was advised that the strategy would be applicable to the Council's workforce in its entirety.

### **East Coast Main Line Consortium, Prospectus**

The Committee noted the report.

### **Town Centre Regeneration**

In reply to a question the Committee was advised of the proposed role of the Stevenage First Town Centre Task Force.

It was confirmed that there had been no feedback from central government regarding the possible establishment of a Development Corporation to drive forward the Town Centre Regeneration project.

It was **RESOLVED** that the following Part I decisions of the Executive taken on 28 October 2014 be noted:

- Minutes – Overview and Scrutiny Committees

- Local Government Act 1972 – Section 85
- Stevenage Borough Council – People Strategy and Workforce Planning Framework
- East Coast Mainline Consortium, Prospectus
- Town Centre Regeneration

**5. URGENT PART 1 DECISIONS AUTHORISED BY THE CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE**

None.

**6. INTERVIEWS FOR SCRUTINY REVIEW INTO SECTION 106 AGREEMENTS**

Members of the Committee interviewed the Strategic Director (Resources), the Strategic Director (Environment), the Strategic Director (Community), the Borough Solicitor and the Head of Planning, Regeneration and Transport about the Council's Section 106 (s106) Planning Legal Agreement processes.

The Committee was advised that s106 payments were part of the planning process and were intended to be used to mitigate the impact of larger developments on the local community. It was unlikely that a small planning application would elicit a s106 payment for the Council.

Payments were time limited and had to be used on an approved project within a given timescale. In reply to a question it was confirmed that no unspent s106 monies had been returned to developers by the Council.

Concerns were expressed that in some instances s106 monies had been used inappropriately in the past and in reply to a question the Committee was advised that the Council did not have an overarching policy for the use of s106 monies as each case was determined on its own merits and by negotiation between the Council's case officer and the relevant developer.

The Committee was further advised that, in the opinion of Officers, such a policy could hinder the planning process and jeopardise the achievement of statutory target for processing planning applications.

Members commented that opportunity for them to input into the process appeared to be limited and that it would be useful to be able to bid for, or champion, s106 projects within their own wards.

This view was supported by a Member representative from Sports Stevenage who said that it would be helpful if there was a more open dialogue between the Council and organisations such as Sports Stevenage in respect of s106 monies.

The Committee was advised that Member input would be welcomed through existing procedures and that Members could interrogate the weekly planning list to identify applications where s106 payments could be an option and then discuss with the

relevant case officer.

In response to a request the Head of Planning, Regeneration and Transport undertook to investigate the possibility of flagging up potential s106 developments on the weekly planning list to either ward councillors, in the event of localised schemes, or to all councillors if the proposed development had town-wide implications.

It was clearly stated by the Planning Officer that decisions relating to transport expenditure were held with the County Council, which was relevant to an example given by a Member in respect of an apparently inappropriate use of s106 monies, however the Committee was advised that the Council was now consulted on all spend proposals made by the County Council.

The Strategic Director Environment undertook to liaise with the Scrutiny Officer to write to Hertfordshire County Council to ask for feedback on the County's s106 process and the rationale behind a number of s106 projects that had caused concern for SBC Members, specifically how they decided on sustainable transport.

A Member requested that the Community Infrastructure Levy be referenced in the final report to the Portfolio Holder.

It was **RESOLVED** that the comments and suggestions of the interviewees be noted and incorporated into the recommendations to the Portfolio Holder and the Chair of the Environment and Economy Select Committee as required.

Councillor S Speller left the meeting at the conclusion of this item of business.

## **7. URGENT PART I BUSINESS**

None.

## **8. EXCLUSION OF PRESS AND PUBLIC**

It was **RESOLVED** that:

1. Under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as described in paragraphs 1-7 of Part 1 of Schedule 12A of the Act as amended by SI2006 No.88.

2. Members having considered the reasons for the following report being in Part II and determined that the exemption from disclosure of the information contained therein outweighed the public interest in disclosure.

## **9. PART II DECISIONS OF THE EXECUTIVE**

This report had not been circulated to Members five clear days before the meeting. The Chair determined however that given the short period of time left before the end of the call-in period on 5 November 2014, it be considered on this occasion.

### **Stevenage Development and Regeneration – Delivery Teams**

Members asked a number of detailed questions about the report which were answered by the Officer.

It was **RESOLVED** that the following Part II decision taken by the Executive at its meeting on 28 October 2014 be noted:

- Stevenage Development and Regeneration – Delivery Teams

#### **10. URGENT PART II DECISIONS AUTHORISED BY THE CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE**

None.

#### **11. URGENT PART II BUSINESS**

None.

### **Chair**